

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AMERICAN AIRLINES, INC. and
AADVANTAGE LOYALTY IP LTD.,

Plaintiffs,

v.

RED VENTURES, LLC and
THE POINTS GUY, LLC,

Defendants.

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Civil Action No. 4:22-cv-00044-P

**PLAINTIFFS' ORIGINAL ANSWER TO THE POINTS GUY'S
AMENDED COUNTERCLAIMS FOR ATTORNEY FEES**

Pursuant to Fed. R. Civ. P. 8(b), Plaintiffs American Airlines, Inc., and AAdvantage Loyalty IP Ltd. (together, "American") file this Original Answer to the Amended Counterclaims for Attorney Fees pursuant to 15 U.S.C. §1117(a) and 17 U.S.C. §505 of Defendant The Points Guy, LLC ("TPG"), and respectfully show the Court as follows:

I. Count I: Attorney Fees under 15 U.S.C. 1117(a)

1. American admits that it has brought a claim against TPG under 15 U.S.C. §1125(a) and alleged that TPG has violated 15 U.S.C. §1117(a).

2. American admits that 15 U.S.C. §1117(a) provides that the court in "exceptional cases may award reasonable attorney fees to the prevailing party."

3. American denies that they have litigated this case in an unreasonable manner.

4. American denies that TPG's litigating position stands out from others with respect to its substantive strength.

5. American denies that TPG is entitled to attorney fees in the unlikely event that TPG prevails in this case.

II. Count II: Attorney Fees under 17 U.S.C. §505

6. American admits that it has brought a claim against TPG for Copyright Infringement under 17 U.S.C. §101.

7. American admits that 17 U.S.C. §505 provides that a court may award reasonable attorney fees to the prevailing party as part of its costs.

8. American denies that TPG is entitled to attorney fees under this statute.

III. Additional Defenses and Affirmative Defenses

9. TPG's claims must be dismissed to the extent they fail to state facts sufficient to assert a cause of action.

10. TPG's claims are barred in whole or in part by estoppel.

11. TPG's claims are barred in whole or in part by laches.

12. TPG's claims are barred in whole or in part by justification.

13. TPG's claims are barred in whole or in part by privilege.

For these reasons, Plaintiffs respectfully request the Court to enter judgment for American and against TPG's amended counterclaims for attorney fees and grant to American all other relief to which it is entitled.

Dated: October 6, 2022

Respectfully submitted,

/s/ Lars L. Berg

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CERTIFICATE OF SERVICE

I certify that on October 6, 2022, I served the foregoing document electronically in accordance with the Federal Rules of Civil Procedure.

/s/ Lars L. Berg

Lars L. Berg